

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**FILE**OFFICE OF
MANAGING DIRECTOR

January 26, 2005

Jim Gabriel
Managing Member
Gabriel Wireless, LLC
6971 N. Federal Highway, Suite 206
Boca Raton, Florida 33487

Re: Gabriel Wireless, LLC
Request for Waiver of FY 2004
Regulatory Fee Penalty
Fee Control No. 00000RROG-05-005

Dear Mr. Gabriel:

This responds to your November 23, 2004 letter requesting waiver of the penalty for late payment of the fiscal year (FY) 2004 regulatory fees for Gabriel Wireless, LLC (Gabriel Wireless) in Boca Raton, Florida. Our records show that the FY 2004 regulatory fee penalty of \$230.75 has not been paid.

In your letter, you state that you were without utilities for weeks because of three catastrophic hurricanes in South Florida. The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensee responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. See 47 C.F.R. § 1.1164. Entities and individuals located in the areas impacted by the effects of Hurricane Charley may file requests for waivers of any late penalty due to the effects of the hurricane on power outages, closed businesses and the mail system.¹ The Commission will give additional consideration to a waiver request filed after the August 19, 2004 deadline upon a showing of extenuating circumstances.² Supporting documentation must accompany the waiver request.³

In your case, however, you provide no information other than a bare assertion that you were without utilities for weeks because of three hurricanes. Thus, you have failed to provide supporting documentation or make a compelling showing of extenuating circumstances as specifically required by the Commission, and therefore your request for waiver of the FY 2004 regulatory fee penalty is dismissed. Payment of the FY 2004

¹ Public Notice, DA 04-2549, August 18, 2004.

² *Id.*

³ *Id.*

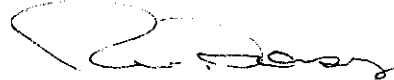
Jim Gabriel

2.

regulatory fee penalty is now due. The \$230.75 should be filed with a copy of Bill number 0420000530 (copy enclosed), within 30 days of the date of this letter. However, in view of your allegations of extenuating circumstances, in lieu of payment, you may re-file your waiver request together with appropriate supporting documentation and a request to further defer payment of the regulatory fee penalty, within 30 days from the date of this letter.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



✱ Mark A. Reger
Chief Financial Officer

Enclosure



00000RROG-08-005

November 23, 2004

Managing Director
Federal Communication Commission
445 12 Street-SW
Room 1-A625
Washington DC 20554

US Mail
420-20554-9101-0385-5574-9316-0624-78

Re: Bill # 0420000530 Payer FRN: 0001732387

Managing Director:

I am writing to request the outstanding late fee be waived. In South Florida we struggled through 3 catastrophic Hurricanes and were with out utilities for weeks. Please accept our plea for consideration.

Respectfully,



Jim Gabriel
Managing Member
Gabriel Wireless, LLC

Cc: Larry Gabriel, Sr.

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CENTER

DEC 06 2004

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